

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Case No. 7:23-CR-00041-M-KS

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL EUGENE WILLIAMS,

Defendant.

ORDER

This matter comes before the court on Defendant's pro se Motion Pursuant to Federal Rule of Criminal Procedure 36. [DE 54]. Defendant alleges that at his sentencing hearing, the court "specified that [he] would receive 15 months [of] jail credit as time served towards his sentence." *Id.* at 1. However, he notes that this is not reflected in the judgment, and so he requests that the court amend the judgment to reflect that the imposed sentence should begin to run "from the date of his arrest [on] August 29, 2022." *Id.* at 1-2.

After careful review, the court finds that Defendant has already received credit for time served in state custody. At his sentencing hearing, Defendant sought a bottom-of-the-guideline sentence (100 months) *and then* credit for the fifteen months he had already spent in state custody, for a total sentence of 85 months. His counsel explained that if this fifteen-month period was not deducted from the sentence imposed, the Bureau of Prisons would not consider it credible time. The court declined to order intended credit for time served, *see United States v. Wilson*, 503 U.S. 329, 334 (1992) (holding that "§ 3585(b) does not authorize a district court to compute . . . credit at sentencing"), and sentenced Defendant to an 85-month term of imprisonment. [DE 49]. As specified at the sentencing hearing and in the Statement of Reasons, this reflected a downward

departure of fifteen months pursuant to U.S.S.G. §§ 5K2.23 and 5G1.3 Application Note 5. *See* [DE 50]. In other words, instead of sentencing Defendant to a 100-month term of imprisonment, the court imposed an 85-month term to account for the fifteen months he spent in state custody.

Accordingly, the judgment contains no clerical error. Defendant's pro se motion is DENIED.

SO ORDERED this 14th day of May, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE